

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID SUTTON, JR.,

Plaintiff,

v.

Case No. 07-14897

FREEDOM SQUARE LIMITED,
FCA SENIOR CITIZENS HOUSING CORP.,
ROBERT S. PIPER, PIPER REALTY, SUSAN
GAINES, and MARY O'BRIEN,

HONORABLE AVERN COHN

Defendants.

**ORDER DENYING PLAINTIFF'S PETITION FOR EX PARTE SUBPOENA OF
BUSINESS RECORDS
AND
DENYING DEFENDANTS' MOTION FOR PROTECTIVE ORDER AND SANCTIONS**

This is a case under the Fair Housing Act, 42 U.S.C. § 3601 et seq. Plaintiff David Sutton, proceeding pro se and in forma pauperis, alleges that he was discriminated against when his application for tenancy at an apartment was rejected. Sutton claims discrimination on the basis of his race, African-American, and disability.

Before the Court is Sutton's petition for an ex parte subpoena of defendant's business records and defendants' motion for a protective order and for sanctions regarding the same. The Court originally scheduled these motions for hearing. However, during the pendency of these motions, the parties filed cross motions for summary judgment. A review of the summary judgment papers shows the record is complete and the matter ready for decision on summary judgment. Accordingly, oral argument is not necessary on plaintiff's petition or defendants' motion for protective

order. See E.D. Mich. LR 7.1(e)(2). These motions are DENIED as moot.

The Court will issue a decision on the pending summary judgment motions.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: September 30, 2008

I hereby certify that a copy of the foregoing document was mailed to David Sutton, David Sutton, Jr , 24885 Woodbridge Drive, #29206, Farmington Hills, MI 48335 and the attorneys of record on this date, September 30, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160